

IN THE DRAWINGS:

Pursuant to the enclosed separate Letter to the Examiner Requesting Approval of Drawing Changes, amendment to FIG. 7 is respectfully requested.

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 3, and 4 have been amended to clarify a feature as would have been understood by one skilled in the art without narrowing the scope of the claims. FIG. 7 has been amended consistent with the Examiner's suggestion in parent application no. 09/609,822. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-18 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

- (1) the amendments of claims 1, 3, and 4 and the amendment to FIG. 7 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and
- (2) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at pages 2-7, the Examiner rejects claims 1-18 under 35 U.S.C. §102 in view of Fitzpatrick et al. (U.S. Patent No. 5,757,537). This rejection is respectfully traversed

and reconsideration is requested.

By way of review, Fitzpatrick et al. discloses a magneto-optical writing method in which a laser source 640 is driven to heat a magneto-optical medium 670 to allow a magnetic source to encode data on the medium 670. The laser source 640 is driven to generate pulses according to non-precomp and precomp values shown in Tables 1 and 2, where the determination of which table to use is performed by the pattern selector circuit 330. (Col. 1, lines 67-64, col. 7, lines 25-35, col. 9, lines 38-51). However, while described as being used to heat domains of a magneto-optical medium to allow magnetic writing of data, Fitzpatrick et al. does not suggest that the laser source 640 actually performs the writing such that the pulses from the Tables 1 and 2 are not writing pulses.

In contrast, claim 1 recites, among other features, "controlling the write pulse waveform based on a grouping table to generate an adaptive write pulse waveform, the grouping table storing width data of the first and/or last pulses of the write pulse waveform varying according to corresponding stored values of lengths of marks to be written," and "optically writing the input data on the optical recording medium using the adaptive write pulse waveform." As such, it is respectfully submitted that Fitzpatrick et al. does not disclose or suggest the features of claim 1.

For at least similar reasons, it is respectfully submitted that Fitzpatrick et al. does not disclose or suggest the features of claims 3 and 4.

Claims 2 and 5-18 are deemed patentable due at least to their depending from corresponding claims 1, 3, and 4.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered

at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Dated: JAN 17, 2006
1400 Eye St., N.W.
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

By: 
James G. McEwen
Registration No.41,983